srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7065 OF 2007.

Mrs. Sushila P. Goyal. ..Petitioner.
Age: 50 years, Occ: Housewife,
R/a: 112, Tadiwala Road,
Pune- 411 001.

V E R S U S

1. The State of Maharashtra
Through: The Commissioner/
Registrar (Co-operation).
2. Dy. District Registrar,
Sakhar Sankul, Shivajinagar,
Pune.
3. The Administrator,
The Agrasen Urban Co-op.
Bank Ltd, 1040, Raviwar Peth,
Laxmi Rd, Pune.
4. The General Manager,
The Agrasen Urban Co-op.
Bank Ltd, 1040, Raviwar Peth,
Laxmi Rd, Pune. ..Respondents.

Mr. P. P. Goyal for the petitioner.
Mr. K. V. Tembe for the respondent nos. 3 & 4.
Mr. A. H. Palekar A.G.P. for the State- respodnent nos 1 & 2.

CORAM: S. B. MHASE & D.G.KARNIK,JJ.
DATE: SEPTEMBER 26, 2007.

Oral Judgment (Per S. B. Mhase, J.)

1. Rule returnable forthwith. By consent called for hearing.

2. By this petition the petitioner seeks a direction to remove the respondent no.3 from the post of the Administrator of the Agrasen Urban Co-operative Bank Limited (for short, "the Agrasen Bank").

3. The Board of Directors of the Agrasen Bank was superseded and the respondent no.3 was appointed as an Administrator in its place by an order dated

18th June 2003 by the Commissioner for Co-operation and Registrar of Co-operative Societies, Maharashtra State. The order was passed under section 110-A of the Maharashtra Co-operative Societies Act, 1960. The order appointing the Administrator was challenged by some of the members of the Agrasen Bank filing Writ Petition No. 1056 of 2004 which was rejected by this court. Nothing has been brought on record to show that the position has changed since the rejection of the previous writ petition. In the circumstances second petition at the instance of another member for removal of the Administrator cannot be entertained.

4. Even otherwise the petition cannot be granted. It suffers from several defects. The order was passed as per the directions of the Reserve Bank of India which was joined as party in the earlier petition. However, in this petition the Reserve Bank of India is not joined as a party, and we have reason to believe that this has been done deliberately with an oblique motive. The Agrasen Bank has also not been joined as a party to the writ petition.

5. We see no merit in the petition. In the circumstances writ petition is dismissed with costs which are quantified at Rs.2,000/- (Rs. Two thousand only) payable to the respondent no.3.

(D.G.KARNIK, J.) (S.B.MHASE, J.)